

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested. By this Amendment, claims 1 and 8 are amended. Entry of the Amendment under Rule 116 is merited as it raises no new issues and requires no further search.

The courtesies extended to Applicants' representative by Examiners Myers and Stiglic at the interview held October 17, 2007, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

The rejection of claims 1 and 3-9 under 35 U.S.C. §102(b) over U.S. Patent Application No. 20010037406 to Philbrick et al. ("Philbrick") is respectfully traversed. A rejection based on 35 U.S.C. §102 requires every element of the claim to be included in the reference, either directly or inherently.

Independent claim 1 is amended to more clearly recite wherein the TCP/IP offload engine (TOE) is situated between the peripheral device bus and a media access control (MAC) device such that streaming data transmitted to and from the network passes via the MAC and the TOE to the peripheral device bus, "the TOE communicating with the MAC directly and not over the peripheral device bus which is shared with the disk controller and peripheral memory controller, thereby enabling high-speed streaming data through the network..." (Emphasis added).

Applicants respectfully submit that the network storage apparatus of claim 1 is distinguished from that of Philbrick in that Philbrick, in Fig. 1, appears to only disclose a processor 44, a sequencer 52, a bridge 50, a DMA 68, and an INIC I/O Controller 72 that share a common internal bus and wherein the processor communicates with the sequencer over that common bus, the sequencer providing upper layer processing of network messages. Similarly, the first Ether-SCSI Adapter embodiment, illustrated by Philbrick in Fig. 8, discloses at paragraph [0069], bus communication between the processor 480 and sequencer 475 in which packets processed by sequencer 475 are sent to processor 480 to create a communication control block (CCB). Applicants respectfully submit that nowhere does Philbrick disclose an embodiment in which a

processor does not communicate with a MAC or sequence controller over a bus common to other components that include, for example, a memory and an I/O controller.

Applicants submit that the sequential arrangement of the PCI bridge, the TOE and the MAC, as recited in claim 1, enables high-speed streaming of data through the network by eliminating the processor to sequencer bus traffic disclosed by Philbrick.

Claim 1 is further amended to include subject matter of claim 8, reciting “wherein the TOE includes a DSB table having information on packet data to be transferred to disk storage immediately among data packets received from the network.” The disk save buffer (DSB) table stored in the TOE allows high-speed streaming of data through the network to disk storage by eliminating the need for communications via a bus mounted processor that results in throttling network traffic throughput.

Applicants respectfully submit that Philbrick fails to disclose at least the sequential arrangement of the PCI bridge, the TOE and the MAC, as well as the DSB, recited in amended claim 1.

Accordingly, because Philbrick does not disclose, teach or suggest each and every feature recited in claim 1, the rejection of claim 1 under 35 U.S.C. §102(b) is improper. Applicants respectfully submit, therefore, that independent claim 1 is patentable over Philbrick. Applicants respectfully submit that claims 3-9 are likewise patentable over Philbrick at least for their dependence on an allowable base claim, as well as for additional features they recite. Withdrawal of the rejection over Philbrick is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1 and 3-9 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including

extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
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Date: November 7, 2007